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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,695	09/26/2001	Eren Tolga Rosenfeld	0522200171	3233
29638	7590	07/22/2004	EXAMINER	
BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			BELL, MELTIN	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,695

Applicant(s)

ROSENFELD ET AL.

Examiner

Meltin Bell

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/29/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/868,695** filed 9/26/01 as well as Amendment A filed 5/3/04 and the Information Disclosure Statements (IDSs) filed 4/29/04. Claims 1-18 filed by the applicant have been entered and examined. An action on the merits of claims 1-18 appears below.

Priority

Acknowledgment is made of applicant's claim for priority based on application 09/218,945 filed in the United States on **12/22/98**.

Information Disclosure Statement

The information disclosure statement filed 4/29/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of missing or inaccurate information in the listing:

- Cite No. 23 "CAPTOR a model for delivering web based intelligent tutoring system technology" is missing the date of publication.

It has been placed in the application file. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being obvious over *Cook et al* "Agent Based Instruction System and Method" W.I.P.O. International Publication Number WO 97/44766 A1 (Publication Date November 27, 1997) in view of *Purcell, Jr.* "Method and apparatus for graphic analysis of variation of economic plans" USPN 5,727,161 (March 10, 1998).

Regarding claim 1:

Cook et al teaches,

- (a) receiving information indicative of a goal, the goal being associated with a student in a specific task (Fig. 4)
- (b) integrating information that motivates accomplishment of the goal for use in a presentation (page 8, lines 1-15, "it accepts data...appropriate candidate behaviors")
- (d) evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal (page 10, lines 24-31, "A further important...student's pedagogic characteristics")

However, *Cook et al* doesn't explicitly teach (c) managing information flow utilizing a table of components while *Purcell, Jr.* teaches,

- (c) managing information flow utilizing a table of components (Abstract, "Graphic analyses are ... to what-if possibilities"; Fig. 6; column 11, lines 55-65, "Each spreadsheet page...numbers of cells")

Motivation – The portions of the claimed computer-readable medium would have been a highly desirable feature in this art for

- Viewing alternative plan possibilities (*Purcell, Jr.*, column 12, lines 8-13, "Together these two ... for the plan")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Purcell, Jr.* for the purpose of viewing alternative plan possibilities.

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 2's limitations difference is taught in *Cook et al*:

- the step of instantiating a component from the table of components to measure progress toward the goal (page 20, lines 15-28, "Teachers and administrators ... for the teachers")

Regarding claim 3:

The rejection of claim 3 is similar to that for claim 2 as recited above since the stated limitations of the claim are set forth in the reference. Claim 3's limitations difference is taught in *Cook et al*:

- the step of instantiating a component from the table of components to interrupt and interview the student to obtain information to measure progress toward the goal and determine appropriate feedback (page 20, lines 4-12, "the student can...or remediation materials")

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 4's limitations difference is taught in *Cook et al*:

- instantiating a component from the table of components to analyze progress and determine appropriate feedback (page 10, lines 24-31, "A further important... student's

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pedagogic characteristics"; page 20, lines 15-28, "Teachers and administrators ... for the teachers")

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 5's limitations difference is taught in *Purcell, Jr.*:

- instantiating a component from the table of components to evaluate options and present appropriate feedback to assist the student to achieve the goal (column 15, lines 59-67, "In the Modify Lists.. should be offered for"; column 16, lines 1-15, "graphic analyses focused on ... selects the OK button 906")

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 6's limitations difference is taught in *Cook et al.*:

- instantiating a component from the table of components to simulate a business application (page 12, lines 3-10, "An object of...computer-assisted instruction systems"; page 109, Table 3)

Purcell, Jr.:

- instantiating a component from the table of components to simulate a business application (column 12, lines 3-8, "FIG. 3 shows an ... of unit sales")

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 7's limitations difference is taught in *Purcell, Jr.*:

- instantiating a component from the table of components to interact with a quantitative analysis model to perform what-if analysis (Abstract, "Graphic analyses are ... to what-if possibilities"; Fig. 6)

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 8's limitations difference is taught in *Cook et al.*:

- instantiating a component from the table of components to interact with the student utilizing rule-based logic (page 46, lines 8-12, "during access to... caught and rejected")

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the reference. Claim 9's limitations difference is taught in *Cook et al.*:

- instantiating a component from the table of components to present a time based simulation (page 24, lines 7-25, "The corresponding event...the time elapsed"; page 63, lines 1-16, "the ABI system...of task scheduling"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

Regarding claim 10:

Cook et al teaches,

- (a) a processor (page 29, lines 19-22, "a preferable student ... or the Internet")
- (b) a memory that stores information under the control of the processor (page 29, lines 15-17, "student client system... a backing store")
- (c) logic that integrates information that motivates accomplishment of the goal for use in the presentation, the goal being associated with a student in a specific task (Fig. 4)
- (e) logic that evaluates progress toward the goal (page 10, lines 24-31, "A further important... student's pedagogic characteristics")

However, *Cook et al* doesn't explicitly teach (d) logic that manages information flow utilizing a table of components while *Purcell, Jr.* teaches

- (d) logic that manages information flow utilizing a table of components (Abstract, "Graphic analyses are ... to what-if possibilities"; Fig. 6; column 11, lines 55-65, "Each spreadsheet page... numbers of cells")

Motivation – The portions of the claimed apparatus that creates a presentation would have been a highly desirable feature in this art for

- Viewing alternative plan possibilities (*Purcell, Jr.*, column 12, lines 8-13, "Together these two ... for the plan")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Purcell, Jr.* for the purpose of viewing alternative plan possibilities.

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 11's limitations difference is taught in *Cook et al*:

- logic that instantiates a component from the table of components to measure progress toward the goal (page 20, lines 15-28, "Teachers and administrators ... for the teachers")

Regarding claim 12:

The rejection of claim 12 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 12's limitations difference is taught in *Cook et al*:

- logic that instantiates a component from the table of components to interrupt and interview the student to obtain information to measure progress toward the goal and determine appropriate feedback (page 20, lines 4-12, "the student can...or remediation materials")

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 13's limitations difference is taught in *Cook et al*:

- logic that instantiates a component from the table of components to analyze progress and determine appropriate feedback (page 10, lines 24-31, "A further

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important... student's pedagogic characteristics"; page 20, lines 15-28, "Teachers and administrators ... for the teachers")

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 14's limitations difference is taught in *Purcell, Jr.*:

- logic that instantiates a component from the table of components to evaluate options and present appropriate feedback to assist the student to achieve the goal (column 15, lines 59-67, "In the Modify Lists.. should be offered for"; column 16, lines 1-15, "graphic analyses focused on ... selects the OK button 906")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 15's limitations difference is taught in *Cook et al.*:

- logic that instantiates a component from the table of components to simulate a business application (page 12, lines 3-10, "An object of... computer-assisted instruction systems"; page 109, Table 3)

Purcell, Jr.:

- logic that instantiates a component from the table of components to simulate a business application (column 12, lines 3-8, "FIG. 3 shows an ... of unit sales")

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 16's limitations difference is taught in *Purcell, Jr.*:

- logic that instantiates a component from the table of components to interact with a quantitative analysis model to perform what-if analysis (Abstract, "Graphic analyses are ... to what-if possibilities"; Fig. 6)

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 17's limitations difference is taught in *Cook et al.*:

- logic that instantiates a component from the table of components to interact with the student utilizing rule-based logic (page 46, lines 8-12, "during access to... caught and rejected")

Regarding claim 18:

The rejection of claim 18 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the reference. Claim 18's limitations difference is taught in *Cook et al.*:

- logic that instantiates a component from the table of components to present a time based simulation (page 24, lines 7-25, "The corresponding event...the time elapsed"; page 63, lines 1-16, "the ABI system...of task scheduling"; page 109, Table 3; page 124, lines 2-12, "These named display...to generate displays")

RESPONSE TO APPLICANTS' AMENDMENT A REMARKS

Applicant(s) argue(s) that all objections and rejections have been addressed (Amendment A REMARKS page 11, paragraph 1).

Drawings

Applicant(s) argue(s) that no new matter has been added in the specification amendment deleting the reference to Fig. 2, item 234 as well as the modification of Fig. 19 and the corresponding specification amendment (Amendment A REMARKS page 8, paragraph 4).

The amendments to the drawing and corresponding specification amendments have been entered and examined. The Examiner agrees that the amendments to the drawing and corresponding specification amendments remove the grounds for objection in the prior office action.

Specification

Applicant(s) argue(s) that no new matter has been added in the specification amendments including 1) the Abstract, 2) page 3, line 33 to page 4, line 6, 3) page 4, lines 7 to 14 and 4) page 19, lines 15 to 23 (Amendment A REMARKS page 8, paragraphs 5-7 and page 9, paragraph 1).

The amendments to the specification and corresponding drawing amendment have been entered and examined. The Examiner agrees that the amendments to the

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specification and corresponding drawing amendment remove the grounds for objection in the prior office action.

Claim Objections

Applicant(s) argue(s) that claim 10 has been amended so that the steps of the claim are ordered from (a) to (e) in response to objections in the prior Office Action (Amendment A REMARKS page 9, paragraph 2).

The amendments to claim 10 have been entered and examined. The Examiner agrees that the amendments to claim 10 remove the grounds for objection in the prior office action.

Claim Rejections - 35 USC § 101 and 35 USC § 112, first paragraph

Applicant(s) argue(s) that amended claims 1-9 are directed to statutory subject matter (Amendment A REMARKS page 9, paragraphs 3-4).

The Examiner agrees that amended claims 1-9 overcome the grounds for rejection in the prior office action.

Claim Rejections - 35 USC § 102

Applicant(s) argue(s) that claims 1-3, 5-6, 8, 10-12, 14-15 and 17 are not anticipated by USPN 5,694,601 to White (Amendment A REMARKS page 9, paragraph 5 and page 10, paragraph 1).

The Examiner agrees that White does not teach or suggest the features of amended claims 1-3, 5-6, 8, 10-12, 14-15 and 17 thereby overcoming the grounds for the 35 U.S.C. 102(b) rejection in the prior office action and necessitating the non-final nature of this Office Action. However, Fig. 4 of Cook et al WO 97/44766 is cited in combination with Purcell, Jr., for disclosing the subject matter set forth in claims 1 and 10 by the applicants, "receiving information indicative of a goal, the goal being associated with a student in a specific task" and "logic that integrates information that motivates accomplishment of the goal for use in the presentation, the goal being associated with a student in a specific task", respectively. Further, the motivation for combining the references in the above 35 U.S.C. 103(a) rejections include viewing alternative plan possibilities disclosed in Purcell, Jr., column 12, lines 8-13.

As set forth above, applicants' claim 1 and 10 limitation is taught by Cook et al and Purcell, Jr. Applicants are encouraged to set forth any other distinctions between the claims of the subject application, Cook et al's Agent Based Instruction System and Method and Purcell, Jr.'s Method and apparatus for graphic analysis of variation of economic plans.

Claim Rejections - 35 USC § 103

Applicant(s) argue(s) that Kershaw USPN 5,827,020 and Amado USPN 5,701,400 do not make up for the deficiencies of Cook et al in the prior Office Action 35 U.S.C. 103(a) rejection of claims 4, 7, 9, 13, 16 and 18 (Amendment A REMARKS page 10, paragraph 2).

The Examiner agrees that Kershaw and Amado do not make up for the deficiencies of Cook et al thereby overcoming the grounds for the 35 U.S.C. 103(a) rejection of claims 4, 7, 9, 13, 16 and 18 in the prior office action. However, Fig. 4 of Cook et al WO 97/44766 is cited in combination with Purcell, Jr., for disclosing the subject matter set forth in claims 1 and 10 by the applicants, "receiving information indicative of a goal, the goal being associated with a student in a specific task" and "logic that integrates information that motivates accomplishment of the goal for use in the presentation, the goal being associated with a student in a specific task", respectively. Further, the motivation for combining the references in the above 35 U.S.C. 103(a) rejections include viewing alternative plan possibilities disclosed in Purcell, Jr., column 12, lines 8-13.

As set forth above, applicants' limitations are taught by Cook et al and Purcell, Jr. Applicants are encouraged to set forth any other distinctions between the claims of the subject application, Cook et al's Agent Based Instruction System and Method and Purcell, Jr.'s Method and apparatus for graphic analysis of variation of economic plans.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Cook et al*; WO 9744766 A1; Agent Based Instruction System and Method
- *Purcell, Jr.*; USPN 5,727,161; Method and apparatus for graphic analysis of variation of economic plans

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 703-305-0362. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Anthony Knight
Supervisory Patent Examiner
Group 3600

MB *Jan. 11*